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OFFICE OF PETITIONS

In re Application of	:	
GOELET et al.	:	
Application No. 09/258,132	:	DECISION ON PETITION
Filed: February 26, 1999	:	
Attorney Docket No. 04990.0007.U	:	

This is a decision on the petition under 37 CFR 1.183, filed September 22, 2006, to suspend 37 CFR 1.136(a)(1)(i) and enter a request for a one-month extension of time under 37 CFR 1.136(a), and a statement making of record the substance of a telephonic interview held with the examiner.

On July 18, 2006, a telephone interview was held between petitioner's attorney and the examiner. On July 20, 2006, the examiner issued an interview summary, which identified the claims discussed, indicated that no agreement had been reached with respect to the claims, and included comments by the examiner concerning the substance of the interview. Additionally, the interview summary set a non-extendable period of the longer of one month or thirty days from the interview date, or the mailing date of the interview summary form, whichever was later, to file a statement of the substance of the interview. Petitioner inadvertently did not take notice of this time period and did not file a statement of the substance of the interview within the one-month deadline. Thereafter, the examiner mailed a nonfinal Office action on September 5, 2006, which set a three-month shortened statutory period to reply.

On September 22, 2006, petitioner submitted the present petition (and fee), a request for a one-month extension of time (and fee), and a statement of the substance of a telephonic interview. **Initially, the Office notes that the filing of the present petition does not toll the three-month shortened statutory period for filing a timely reply to the nonfinal Office action of September 5, 2006.** The Office further notes that the failure to respond to the one-month time period indicated in the interview summary does not result in abandonment of the application. Therefore, a suspension of 37 CFR 1.136(a)(1)(i) and a request for a one-month extension of time are not necessary. The petition under 37 CFR 1.183 is dismissed as involving a moot issue.

The \$400.00 petition fee and the \$120.00 extension of time fee¹ will be refunded to Deposit Account.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
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Office of Petitions

¹ As the Office is refunding the one-month extension of time fee, petitioner must submit a response to the nonfinal Office action on or before December 5, 2006, unless petitioner obtains extensions of this time period.